

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 10-00547 CRB

Plaintiff,

**ORDER DIRECTING FILING OF
WITNESS DECLARATIONS**

v.

SAMUEL COHEN,

Defendant.

In lieu of the Traverse due on February 4, 2016, Petitioner Samuel Cohen filed on February 8, 2016 a Motion for Stay Pursuant to the Petitioner's 28 U.S.C. § 2255. See Mot. (dkt. 522). The Motion asserts, among other things, that a stay is warranted because "Petitioner has identified substantial New Evidence to present in the form of witness testimony, which further demonstrates the ineffectiveness of his counsel, because it was not uncovered previously." Id. at 1. Specifically, the Motion refers to "Mr. Michael Wilson, a renowned local businessman and restaurateur who had a step-daughter, Ms. Brown, who worked under the direct instructions of Hari Dillon. . . ." Id. at 3. The Motion argues that "Both Mr. Wilson and Ms. Brown demonstrate that it was Dillon who originated the scheme described in the indictment, that he had used it long before he met the Petitioner; and the Government's entire theory of the case that he was a 'dupe' was in fact wrong." Id. The Motion also mentions "Mr. Samuel Edelshtain, who described being solicited for a \$100,000 investment by Mr. Dillon; based upon a Microsoft acquisition story." Id.

1 In order to rule on Petitioner's Motion, the Court requires further detail about what
2 relevant information the three identified witnesses—Mr. Wilson, Ms. Brown, and Mr.
3 Edelshtain—possess. Accordingly, the Court DIRECTS Petitioner to submit to the Court
4 within ten (10) days of this Order detailed declarations from the three witnesses, outlining
5 what relevant information they possess and the basis for their knowledge. The declarations
6 must be signed under penalty of perjury.

7 **IT IS SO ORDERED.**

8 Dated: February 10, 2016


9 CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE